



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Kelly J. Giese
Agent
Giese Paving & Excavation, Inc.
P.O. Box 539
Lewiston, Idaho 83501-0539

Re: Information Request Regarding Giese Paving & Excavation, Inc., Lewiston, Idaho

Dear Kelly J. Giese:

The U.S. Environmental Protection Agency (EPA) Region 10, seeks information concerning the air pollution source owned or operated by Giese Paving & Excavation, Inc. at or near latitude 46.4390, longitude -116.9034 in Lewiston, Idaho, as demarcated in Enclosure 2 (Air Pollution Source). The enclosed Information Request is issued to Giese Paving & Excavation, Inc.

EPA received information from the Nez Perce air inspection staff in April of 2021 that there were activities at the air pollution source that needed to be registered and permitted under the Federal Air Regulations for Reservations (FARR). The Nez Perce air inspector sent an email requesting the air pollution source answer some questions to help determine if permitting is required for the operation at the air pollution source. To date, the Nez Perce air inspector has not received a response.

Under Clean Air Act (CAA) Section 114, 42 U.S.C. § 7414, EPA is authorized to require the submission of records, reports and other information for the purpose of determining whether any violations of the CAA have occurred and for other purposes of the CAA. Giese Paving & Excavation, Inc. is required to provide information and documents in accordance with the enclosed Information Request within 30 days of your receipt of the request. If you anticipate being unable to fully respond to this Information Request by the specified date, you may request an extension within 10 days of receipt of this request. Include a justification for your extension request. If timely submitted, EPA will consider your request and may extend the deadline.

To facilitate EPA's timely review of your response, EPA prefers that you submit responses to this Information Request via an electronic submission. For instructions on submitting your response electronically, refer to Instruction 10 in Enclosure 1. Please contact Sara Conley, at (206) 553-6914 or conley.sara@epa.gov, if you have any questions regarding the electronic submission instructions. If electronic submission is not possible, contact Sara Conley for additional options. If you intend to claim all or a part of your response as confidential business information (see Instruction 7 in Enclosure 1), contact Sara Conley for submission instructions prior to submitting your response.

Please ensure the enclosed Statement of Certification is signed by a duly-authorized officer or agent of Giese Paving & Excavation, Inc. and returned with the response to this Information Request.

Failure to timely respond fully and truthfully to this Information Request may subject you to civil penalties pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Your response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

EPA's *Small Business Resources Information Sheet*, which provides information on compliance assistance that may be helpful to you, is enclosed.

Thank you for your cooperation. If you have any questions regarding this Information Request or wish to request an extension, please contact Sara Conley, at (206) 553-6914 or conley.sara@epa.gov. For legal matters or questions from legal counsel, please contact Brandon Cobb, in the Office of Regional Counsel, at (206) 553-6917 or via email at cobb.brandon@epa.gov.

Sincerely,

Morgan Jencius, Chief
Air and Land Enforcement Branch

Enclosures

cc: Kelly Giese
Nez Perce Air Quality Program